GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Registration & Stamps – Disciplinary proceedings initiated against Sri K. Ananda Reddy, former Joint Sub Registrar-I and other, Registrar Office (Original Branch), Tirupathi, Chittoor District for Tampering of Government records and embezzlement of Government money – Disciplinary proceedings finalized – Imposed a punishment of withholding of five annual grade increments with cumulative effect – Suo-motu Review under Rule 40 of A.P.Civil Services (Classification, Control & Appeal) Rules, 1991 – Show Cause Notice Issued – Representation submitted – Imposing the Penalty of dismissal from service - Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Ms.No.413 **Dated:19.09.2017**

Read the following:

1) Charge Memo No.E/190/2012-1, dt.4.6.2012 issued by the DIG, R&S, Chittoor.
2) Explanation of Sri K.Ananda Reddy, I/c Jt.SR-I, dt.7.7.2012.
3) Procgs.No.E/190/2012, dt.18.7.2012, issued by the DIG, R&S, Chittoor.
4) From District Registrar, Chittoor, Lr.No.RE/14/2012,dt.17.5.2013.
5) SCN No.E/190/2012, dt.7.12.2012 issued by the DIG, R&S, Chittoor.
6) Explanation of Sri K.Ananda Reddy, I/c.Jt.SR-I, dt.10.1.2013.
7) From the DIG, R&S, Chittoor, Lr.No.E/190/2012, dt.30.12.2013.
8) Govt. Memo No.23012/Vig.II(2)/2012-8, dt.13.10.2015.
9) Procgs. of the DIG, R&S, Chittoor, No.E/190/2012-1,dt.28.10.2015
10) Procgs. of the DIG, R&S, Chittoor, No.E/190/2012-1,dt.18.2.2016.
11) From the DIG, R&S, Chittoor, Lr.No.E/190/2012, dt.19.2.2016.
12) Govt. Memo No.23012/Vig.II(2)/2012-13&14, dt: 24.05.2016.
13) Representation of Sri K. Ananda Reddy, Jt. SR-I, dt:27.6.2016.
14) From Principal Secretary, APPSC, Lr.No.628/DC&C/1/2016, dt.26.8.2016.

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O R D E R :

In the reference 1st read above, the Deputy Inspector General, Registration & Stamps, Chittoor had initiated disciplinary proceedings against Sri K. Ananda Reddy, former Joint Sub Registrar-I, and other on the allegations of tampering of Government records and embezzlement of Government Money to a tune of Rs.5,05,825/- duly framing following articles of charges.

Charge-I:

"…. involved in tampering the official receipt bearing No.84, dated 05.03.2012 for Rs.9,45,700/- in respect of document No.P 80/2012 issued by him, he has tampered the receipt by colluding with incharge Joint Sub Registrar-II and tampered the Government records and thus committed tampering of official records."

Charge-II

"…. has collected cash and issued receipt (bearing No.84) for Rs.9,45,700/- on 05.03.2012 in respect of pending document No.P80/2012 of Registrar Office (O.B), Tirupathi and accounted for and remitted only Rs.4,39,875/- [Rs.4,14,000/- towards deficit stamp duty and Rs.25,875/- towards deficit Registration fee] in State Bank of India, Tirupathi on 16.03.2012. Thus committed embezzlement of Government money of an amount of Rs.5,05,825/- and violated Article 5 of the A.P. Financial code, which casts an

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obligation on every Government servant to see that proper accounts are maintained for all Government Financial transaction with which he is concerned and to render accurately and promptly all such accounts."

Charge-III:

"…….. has collected cash exceeding Rs.1000/- towards stamp duty and registration fee against the pending documents P79/2012 and P80/2012 of Registrar Office (O.B), Sri Balaji Registration District, Tirupathi without any prior permission of higher authorities and thus violated the instructions of the circular memo No.G1/16619/2003, dated 21.01.2004."

Charge-IV:

"….. has registered same property in Sy.No.304/1A, Door No.9-79 of Mutyalareddipalli village executed by two groups of South Andhra Luther Church, Tirupathi. Thus created unnecessary litigation among registering public."

2. The Charged Officer submitted his Written Statement of Defence vide reference 2nd read above. As it was not convincing, a regular enquiry was ordered by appointing District Registrar (Market Value & Audit), Chittoor as Regular Enquiry Officer vide reference 3rd read above. The Regular Enquiry Officer submitted his report in the reference 4th read above and held that Charge-I is proved, Charge-II was partly proved and Charge-III & IV were not proved against the Charged Officer. The Disciplinary Authority, i.e the Deputy Inspector General, Registration & Stamps, Chittoor disagreed with the findings of the Regular Enquiry Officer in respect of Charge-II & III and called for his explanation vide reference 5th read above. The Charged Officer submitted his explanation vide reference 6th read above. The Disciplinary Authority after having examined the matter in detail, finally proposed to impose a major punishment of dismissal from service under rule 9(x) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 against the Charged Officer and requested the Government to obtain the advice of the Vigilance Commission as per Vigilance Scheme vide reference 7th read above.

3. Government after careful examination of the proposal of the Disciplinary Authority have accepted the proposal of the Disciplinary Authority, i.e the Deputy Inspector General, Registration & Stamps, Chittoor and requested him to take immediate necessary action accordingly under intimation to Government, vide reference 8th read above.

4. Accordingly, the Deputy Inspector General, Registration & Stamps, Chittoor issued final orders dismissing Sri K. Ananda Reddy, Sub Registrar from service vide reference 9th read above, but orders have not been served to the Delinquent Officer, as he was on leave and his house was locked. Meanwhile the Delinquent Officer filed OA No.6102/2015 before Hon'ble Andhra Pradesh Administrative Tribunal. The Hon'ble Andhra Pradesh Administrative Tribunal in its order dt.28.10.2015 directed the Deputy Inspector General, Registration & Stamps, Chittoor to consider all the material including the evidence produced during the enquiry and come to an independent decision on the penalty to be imposed strictly as per Rule 21(4) and (5) of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. The Deputy Inspector General, Registration & Stamps, Chittoor filed WP No. 1356/2016 before Hon'ble High Court against the orders of Hon'ble Andhra Pradesh Administrative Tribunal. The Hon'ble High Court dismissed the Writ Petition at admission stage, as it is devoid of any merits. Therefore, the Deputy Inspector General, Registration & Stamps, Chittoor has reviewed the previous orders of dismissal from service, keeping in view of the orders of Andhra Pradesh Administrative Tribunal and High Court and imposed a major penalty of withholding of (5) annual grade increments with cumulative effect against Sri K. Aanda Reddy, vide reference 10th read above and send the proceedings to the Government vide reference 11th read above.

5. And whereas, Government after going through the proceedings issued by the Deputy Inspector General with the material made available have observed that the punishment imposed by the Disciplinary Authority i.e the Deputy Inspector General,

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Registration & Stamps, Chittoor is not commensurate with the gravity of the charges. Therefore, Government have decided to take up the case suo-motu review under Rule 40 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

6. Government after detailed examination of the matter, have observed that this is a clear case of misappropriation of Government money coupled with fabrication of records, the money was returned to Government only when it was detected, a criminal case filed and the Charged Officer was suspended. By no stretch of logic can it be called temporary misappropriation even the Regular Enquiry Officer called it so. The facts proven in the enquiry (including the Disciplinary Authority report) in short is that he accepted cash of Rs.9,45,700/- on behalf of the Government though he is not authorized to accept cash more than Rs.1,000/-; issued a receipt for it and changed the amount in the counter file to Rs.4,39,875/- and remitted it; and misappropriated the balance Rs.5,05,825/- to himself. (The amount was remitted to Government account after 50 days only after he was suspended and a criminal case filed). The offence is quite grave and criminal case is also pending about it. Repayment of misappropriated amount is made after the case was detected and criminal complaint filed. Since, it is a very clear case of misappropriation, tampering with official money receipt, unauthorized collection of cash on behalf of the Government. Therefore, it has been decided to enhance the punishment imposed against Sri K. Ananda Reddy, former Joint Sub Registrar-I, Registrar Office (Original Branch), Tirupathi by the Disciplinary Authority. In the reference 12th read above, the Delinquent Officer was directed to show cause as to why the punishment imposed against him by the Disciplinary Authority should not be enhanced and submit his representation to Government.

7. And whereas, in the reference 13th read above, the Delinquent Officer submitted his explanation stating mainly among others that Hon'ble Andhra Pradesh Administrative Tribunal set aside the punishment of dismissal from service imposed by the Deputy Inspector General, Registration & Stamps, Chittoor. The Hon'ble High Court also upheld the judgment of the Hon'ble Andhra Pradesh Administrative Tribunal. Despite orders of the Hon'ble Andhra Pradesh Administrative Tribunal & Hon'ble High Court, the Deputy Inspector General passed final orders imposing a punishment of withholding (5) annual grade increments with cumulative effect. The Charged Officer has mentioned certain Rules and judgments of Supreme Court *(Govt. Memo No.1s/5503/Vig.I(2)/97-8, dt.1.3.2001, U.O.Note No.598/Sc.E3/99-1, GAD(Ser.E) Dept., dt.26.2.1999, U.O.Note No.2670/Sc.E/98-1, dt.2.12.1998 and Supreme Court of India C.A.2123/1991 with WP(Civil) No.1287/1989 decided on 30.4.1991, Nagaraj Shiva Rao Karjagi Vs State Bank, Manipur and others 1991 (2) SLR page 785)* and stated that as per instructions in these rules and judgments, the Disciplinary Authority has to independently apply his mind in dealing with the Disciplinary case. But in his case, the Disciplinary Authority has sought advice of the Andhra Pradesh Vigilance Commission. Further Head of the Department and Government interfered in his case while awarding the punishment. The Charged Officer has stated that Government has not mentioned quantum of punishment proposed for the enhancement in show cause notice. Finally he has requested the Government to consider the above instructions and judgments before take a decision for the enhancement of the punishment as proposed in the Show Cause Notice dt.24.5.2016 and close all further proceedings in the matter.

8. Government after careful examination of the matter have observed that the Deputy Inspector General, Registration & Stamps, Chittoor after following due procedure as per Vigilance Scheme and duly applying his mind independently, imposed a punishment of withholding of (5) annual grade increments with cumulative effect against Sri K. Ananda Reddy, former Joint Sub Registrar. The Government and Head of Departments have not interfered in the above decision of the Disciplinary Authority. When the Disciplinary Authority communicated the punishment orders to Government, it was observed that the punishment imposed by the Disciplinary Authority is not commensurate with the gravity of the charges. Therefore, Government have decided to take up the case suo-motu review under Rule 40 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules,

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1991. In the instant case, neither Government nor Disciplinary Authority have violated any Rules. Government further observed that there are no merits to consider the explanation of the Delinquent Officer, therefore, it has been decided to impose a punishment of dismissal from service against the Delinquent Officer. The Andhra Pradesh Public Service Commission also agreed with the proposal of the Government in the reference 14th read above (Copy enclosed to the individual).

9. In G.O.Ms.No.2, General Administration (Spl-C) Department, dt.4.1.1999 read with G.O.Ms.No.458, General Administration (Ser.C) Department, dt.22.9.2009, Government directed that in all proved cases of misappropriation, bribery, bigamy, corruption, moral turpitude, forgery, etc., the penalty of dismissal from service shall be imposed.

10. And whereas, it is considered that the conduct of Sri K. Ananda Reddy, former Joint Sub Registrar-I, Registrar's Office (Original Branch), Sri Balaji Registration District Tirupathi, Chittoor, which has lead to proved in Misappropriation case, is unworthy of a public servant and his further continuation in the public service is undesirable.

11. Now, therefore, in exercise of the powers conferred under Rule 40 read with clause (x) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 and G.O.Ms.No.2, General Administration (Services-C) Department, dated 04-01-1999, Government hereby dismiss Sri K.Ananda Reddy, former Joint Sub Registrar-I, Registrar's Office (Original Branch), Sri Balaji Registration District, Tirupathi, Chittoor, from Government service with immediate effect.

12. The Director and Inspector General of Registration and Stamps, Andhra Pradesh, Vijayawada / the Deputy Inspector General, Registrations & Stamps, Chittoor shall take necessary further action accordingly and furnish the compliance report, to the Government, immediately.

13. The following Notification shall be published in the extraordinary issue of the Andhra Pradesh Gazette.

NOTIFICATION

"In exercise of the powers conferred under Rule 40 read with clause (x) of Rule 9 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 and G.O.Ms.No.2, General Administration (Services-C) Department, dated 04-01-1999, the Government of Andhra Pradesh hereby dismiss Sri K. Ananda Reddy, former Joint Sub Registrar-I, Registrar's Office (Original Branch), Sri Balaji Registration District, Tirupathi, Chittoor from Government service."

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To,
The Individual (w.e).
(Through: the Deputy Inspector General, Registration & Stamps, Chittoor).
The Director & Inspector General, Registration & Stamps, Andhra Pradesh,
Eedupugallu, Vijayawada.
The Deputy Inspector General, Registration & Stamps, Chittoor.
Copy to
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER